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February 28, 2003

Mr. Thomas J. Krueger
Associate Regional Counsel
United States Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, IL 60604-3590

Re: Ellsworth Industrial Park

Dear Mr. Krueger:

Enclosed please find a copy of the Downers Grove Water Main Improvement Study by the DuPage County Public Works Department. You were kind enough to lend this document to me in early January, for copying by the PRP Group. Please accept my apologies for returning the document at this late date. As you can see, no changes or modifications were made to your original handwritten marks.

If you have any questions or comments, please do not hesitate to contact me. Thank you again for your courtesy in this regard.

Sincerely,

SWANSON, MARTIN & BELL

Michael J. Maher

MJM:jp

Enclosure

CONFIDENTIAL: ATTORNEY-CLIENT COMMUNICATION
DO NOT DISSEMINATE.

R E S O L U T I O N

EN-0010-03

FINDING OF TAINTED OR CONTAMINATED
WELL WATER IN LISLE TOWNSHIP,
DUPAGE COUNTY, ILLINOIS

WHEREAS, in response to findings of the Illinois Environmental Protection Agency ("Illinois EPA") and the United States Environmental Protection Agency ("USEPA") that groundwater and water wells in certain areas of DuPage County are contaminated with trichloroethylene ("TCE") and other chemicals, the Illinois General Assembly approved HB 3402 on May 31, 2003, as Public Act 93-0226 ("Public Act"); and

WHEREAS, on July 22, 2003, the Governor of the State of Illinois signed Public Act 93-0226 into law; and

WHEREAS, said Public Act mandates that a municipality which is a party to a water supply contract with a county water commission must provide water to territories outside of its municipal boundaries if the well water received by those territories is tainted or contaminated ("affected territory"); and

WHEREAS, said Public Act provides that when a home county board finds that the water supply in an affected territory is tainted or contaminated such that the health of persons served by well water in that territory is likely to be adversely affected now or in the future, affected territories may be eligible to receive municipal water; and

WHEREAS, said Public Act also requires that, within thirty (30) days following the home county board finding that an area is an affected territory, the county water commission must determine which entity would be the most appropriate to undertake the task of supplying potable water to an affected territory; and

WHEREAS, following extensive sampling and testing, the Illinois EPA and USEPA have defined areas of the County of DuPage wherein the groundwater and, or, water wells are tainted and, or, contaminated with TCE and, or, other chemicals as described above (affected areas); and

WHEREAS, one of those affected areas in DuPage County is located in unincorporated Lisle Township. Approximately 112 homes are located within said area, which is described as follows:

Lots 1 and 2 in Rokusek's Resubdivision as recorded in the DuPage County Recorders Office on February 16, 1960 as Document 956970 said subdivision in the Southwest $\frac{1}{4}$ of Section 14, Township 38 North, Range 10, East of the Third Principal Meridian, in DuPage County, Illinois
and

Lots 1 through 22 and Lots 25 through 32 in Woodridge Estates as recorded in the DuPage County Recorders Office on May 17, 1956 as Document 800784 said subdivision in the Southwest $\frac{1}{4}$ of Section 14, Township 38 North, Range 10, East of the Third Principal Meridian, in DuPage County, Illinois.
and

Lots 1 through 80 in Woodridge Estates Unit 2 as recorded in the DuPage County Recorders Office on April 17, 1957 as Document 839233 said subdivision in the Southwest $\frac{1}{4}$ of Section 14 and the Southeast $\frac{1}{4}$ of Section 14, Township 38 North, Range 10, East of the Third Principal Meridian, in DuPage County, Illinois.

WHEREAS the above described area is commonly known as Woodridge Estates ("the Woodridge Estates area"); and

WHEREAS, due to the levels of contamination found in the groundwater in the Woodridge Estates area, the State of Illinois has appropriated and granted funding to bring water service infrastructure to this area; and

WHEREAS, the DuPage County Board is authorized to protect the quality of the environment and the health, welfare and safety of DuPage County's citizens by providing or facilitating access to potable water for drinking, bathing and other uses; and

WHEREAS, the County of DuPage is the home county for the Woodridge Estates area.

NOW, THEREFORE BE IT RESOLVED that, the DuPage County Board make the findings and determinations stated in the preamble hereto. Further, in order to facilitate the installation of infrastructure to bring a potable water supply to the Woodridge Estates Area, the DuPage County Board finds that the water supply in the Woodridge Estates area is tainted or contaminated.

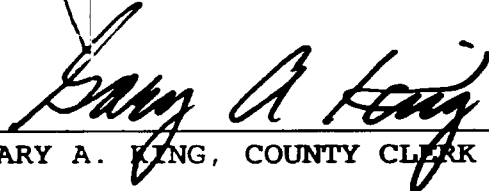
BE IT FURTHER RESOLVED that the County shall serve notice of this Resolution and send copies hereof to the DuPage Water Commission to compel the Water Commission's obligations under Public Act 93-0226, upon its approval and enactment by the Board.

BE IT FURTHER RESOLVED that the County Clerk shall publish notice hereof and send copies hereof to the DuPage Water Commission, 600 E. Butterfield Road, Elmhurst, IL 60126; Thomas J. Krueger, Associate Regional Counsel, United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois, 60604-3590 and Joseph E. Svoboda, Chief Counsel, Division of Legal Counsel, 1021 Grand Avenue East, Springfield, Illinois 62794-9276; County Auditor, Treasurer, Finance Director, County Board, Deborah Helms Smith, Assistant State's Attorney, Karen Wilson, 7900 Route 53, Woodridge, IL 60517; and two (2) copies each to the DuPage County Departments of Environmental Concerns and Public Works.

ENACTED AND APPROVED this 23rd day of September,
2003 at Wheaton, Illinois.

BY: 
ROBERT J. SCHILLERSTROM, CHAIRMAN
DUPAGE COUNTY BOARD

Attest

BY: 
GARY A. KING, COUNTY CLERK

Ayes: 11
Absent: 7

U.S. ENVIRONMENTAL
PROTECTION AGENCY

SEP 2 2003

OFFICE OF REGIONAL
COUNSEL